

Remarks

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are made anticipated or obvious under the provisions of 35 U.S.C. §§ 102 and 103. The Applicants herein amend claims 1, 14 and 20. Support for the amendments may be found in the specification on at least page 22, line 29 to page 23, line 5. Thus, the Applicants believe that all of these claims are now in allowable form.

Rejection Under 35 U.S.C. 102

Claims 1 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui (U.S. Patent No. 6,694,352, issued on February 17, 2004, hereinafter referred to as "Omoigui"). The rejection is traversed.

The Applicants respectfully submit that Omoigui fails to anticipate the Applicants' invention because Omoigui fails to teach or suggest at least the limitation of a notification form builder, coupled to the content schedule and availability analysis module, that receives the processed schedule and availability data, and generates a notification form including a placeholder for advertisements. Specifically, the Applicants' independent claim 1 recites:

1 A computer readable medium, having programming executable on a computer, that provides program content notification related to content available on a video and multimedia program content distribution network, comprising:

a content availability notification module;

a notification data reception module, coupled to the content availability notification module, that receives and processes notification data, wherein the notification data is used to formulate and transmit one or more content availability notification messages;

a content schedule and availability analysis module, coupled to the notification data reception module, that receives and processes one or more of content schedule and availability of the program content available on the video and multimedia program content distribution network and user content download requests, and produces processed schedule and availability data;

a content download request analysis module, coupled to the notification data reception module, that processes data from the user download requests for formatting and routing one or more content notification availability forms;

a notification form builder, coupled to the content schedule and availability analysis module, that receives the processed schedule and availability data, and generates a notification form including a placeholder for advertisements;
a notification form router, coupled to the notification form builder, that routes notification data for transmission to a user;
and one or more notification modules that provide the program content notification. (Emphasis added).

Notably, Omoigui is completely silent as to teaching or suggesting that an advertisement is placed in the notification. The Applicants' invention may provide additional revenue to the service provider by selling advertisements in the notification. Thus, Omoigui fails to anticipate the Applicants' independent claim 1.

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Omoigui under 35 U.S.C. 102(e). Accordingly, claims 1 and 6-13 are allowable over Omoigui under 35 U.S.C. 102(e). Applicants respectfully request the Examiner withdraw the rejection.

Rejection Under 35 U.S.C. 103(a)

Claims 2-5 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui. The rejection is traversed.

The Applicants respectfully submit that Omoigui fails to render obvious the Applicants' invention because Omoigui fails to teach or suggest at least the limitation of a notification form builder, coupled to the content schedule and availability analysis module, that receives the processed schedule and availability data, and generates a notification form including a placeholder for advertisements. Specifically, the Applicants' independent claims 14 and 20 (similar to claim 1, *supra*) positively recite:

14. A method for notifying users of availability of video and digital multimedia program content in a video and multimedia program content distribution network, comprising:
 - receiving a program content request, wherein the request specifies desired program content for delivery to a user terminal;
 - receiving information related to availability of the desired program content;
 - determining a notification protocol to notify the user terminal of the availability of the desired program content;

analyzing the information related to the availability of the desired program content;

generating a notification form including a placeholder for advertisements;

and routing the notification form to one or more notification modules, wherein the one or more notification modules transmit a program content availability notification;

wherein said multimedia program content distribution network includes a cable television system headend.

20. A system that provides program content notification related to content available on a video and multimedia program content distribution network, comprising:

means for receiving program notification data, wherein the receiving means receives and processes notification data, wherein the notification data is used to formulate and transmit one or more content availability notification messages;

means for analyzing program content schedule and availability, coupled to the receiving means, wherein the means for analyzing program content schedule and availability receives and processes one or more of content schedule and availability of the program content available on the video and multimedia program content distribution network and user content download requests, and produces processed schedule and availability data;

means for analyzing a program content download request, coupled to the receiving means, wherein the means for analyzing a program content download request processes data from the user download requests for formatting and routing one or more content notification availability forms;

means for generating a notification form, coupled to the means for analyzing content schedule and availability, wherein the generating means receives the processed schedule and availability data, and generates a notification form including a placeholder for advertisements;

means for routing the notification form, coupled to the generating means, wherein the routing means routes notification data for transmission to a user; and means for providing the program content notification;

wherein said multimedia program content distribution network includes a cable television system headend.

As discussed above, Omoigui is completely silent as to teaching or suggesting that an advertisement is placed in the notification. Thus, Omoigui fails to teach or suggest all the claim limitations of independent claims 1, 14 and 20.

Therefore, independent claims 1, 14 and 20 are allowable over Omoigui under 35 U.S.C. 103(a). Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Omoigui under 35

U.S.C. 103(a). Accordingly, claims 2-5 and 14-31 are allowable over Omoigui under 35

U.S.C. 103(a). Applicants respectfully request the Examiner withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 10/17/08



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808